

REMARKS

The present communication responds to the Final Office Action of October 16, 2006 and subsequent Advisory Action of January 11, 2007. In the Final Office Action, the Examiner rejected Claims 1-8 under 35 U.S.C. § 112, second paragraph. The Examiner further rejected Claims 1-20 under 35 U.S.C. § 103(a).

The Applicants would like to thank Examiner Sayala for her time in granting an interview on April 12, 2007. As discussed in that interview, Applicants are herewith amending the independent claims. In view of the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

Rejection under 35 U.S.C. § 112

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Particularly, the Examiner asserts that it cannot be said that a method of raising finishing swine translates into slicing bacon slices. The Applicants have amended the preamble of Claim 1 to recite “[a] method of raising finishing swine and producing pork belly products.”

Rejection under 35 U.S.C. § 103

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Livingston (US Patent 6,033,716) and Johnston (US Patent 5,498,434) in view of admitted prior art in the specification at page 1, paragraph [002] and Cook (US Patent 5,851,572) and further in view of Evans et al. (US Patent 5,427,802) and Schaub (US Patent 5,215,766) taken with Swine Diet Recommendations (1994, downloaded from <http://www.aces.edu/pubs/docs/A/ANR-0639>) and Practical Swine Feeding Ideas (1995, downloaded from http://www.animalgenome.org/edu/PIH/prod_growing.html) (collectively “Bulletin References”).

Claims 1, 9, and 16 are not Obvious Over any Combination of Schaub, Livingston, Johnston, Cook, Evans, and the Bulletin References

The Examiner combines six references and the teachings of the present application in an attempt to arrive at the present claims. As discussed, the Applicants respectfully submit that none of the references, alone or in combination, teach each of the limitations of the independent claims. Further, several of the references, even assuming the reference to teach the specific element it is used for, teach away from other elements of the claims.

Claim 1, as amended, recites "feeding a daily feed ration to a pig, the daily ration comprising about 0.5 to less than about 5 percent by weight hydrogenated poultry fat greater than about 35," Claim 9, as amended, recites "feeding the animal a daily feed ration comprising about 0.5 to less than about 5 percent by weight hydrogenated poultry fat, wherein the hydrogenated poultry fat has an iodine value of greater than about 35," and Claim 16, as amended, recites "[a] feed ration comprising a grain and about 0.5 to less than about 5 percent by weight hydrogenated poultry fat, wherein the hydrogenated poultry fat has an iodine value of greater than about 35." These limitations are discussed below with respect to each reference.

Livingston

The Examiner, in the Office Action dated October 16, 2006 at page 5, explains that Livingston has been applied as a reference that teaches using poultry fat in animal feed. As previously explained by the applicants, Livingston does not teach hydrogenated fat or other claimed limitations.

Livingston teaches an animal feed comprising house litter and wastewater sludges:

The instant invention overcomes the above problems by providing a nutritional animal feed and a process for making the animal feed comprising mixing growing house litter with wastewater sludges and drying the mixture to remove water from the mixture.

In more detail, the house litter comprises a component selected from the group consisting of animal (as used hereinafter, the term "animal" includes poultry) excrement, feathers, poultry feed, bedding material, and mixtures thereof. Preferably, the litter

comprises a component consisting of poultry manure, poultry feed, and mixtures thereof. The wastewater sludges utilized in the invention include a component selected from the group consisting off at [sic], blood serum, bones, skin, viscera, and mixtures thereof. Preferably, the sludges comprise a component selected from the group consisting of poultry fat, poultry blood serum, poultry bones, poultry skin, poultry viscera, and mixtures thereof, and more preferably, the sludges comprise poultry fat. *Livingston, Col. 1, ll. 59 – Col. 2, ll. 10.*

Accordingly, Livingston teaches using wastewater sludge that may include poultry fat. As the Examiner points out, Livingston does not teach a feed ration comprising hydrogenated poultry fat. Thus, Livingston does not teach at least a fundamental element of the claim. Nor is it apparent at all how the process of Livingston, including combining wastewater sludges into a feed, wherein the wastewater sludge *may* include poultry fat, could be used or modified to achieve the limitations reproduced above, without going contrary to the teachings and purpose of Livingston.

Johnston

The Examiner stated that Johnston teaches using poultry fat in animal feed. In the present advisory action, the Examiner argues that claim 6 is illustrative of the Examiner's position that the reference shows that poultry fat was "present in much animal feed" at the time the invention was made.

Johnston teaches a composition of antioxidants which, combined with animal-fat-containing feed, have the effect of extending the shelf-life of the feed. *Johnston, col. 1, ll.13-23.* Johnston specifically teaches that the antioxidants compositions are admixed with animal fat prior to incorporating the animal fat in animal feed (including pet food), which is otherwise prepared in established and conventional fashion. *Johnston, Col. 3, ll. 53-57.* Johnston's teachings are limited and comprise only preparing animal feed in conventional fashion such that the animal feed includes poultry fat. Established and conventional fashion does not include hydrogenating poultry fat.

Given Johnston's specific teaching of admixing antioxidants into animal feed prepared in a convention fashion, it is unclear how Johnston's method could be modified to arrive at the limitations reproduced above, without going contrary to the teachings and purpose of Johnston.

Cook

In the present Advisory Action, the Examiner explains:

Cook is used only to show what was already known in prior art: that "the only method previously known to assure a firm fat was to feed animals fats or oils high in saturated fats."

Advisory Action, page 2.

Cook teaches that the only method previously known to assure a firm fat was to feed animals fats or oils high in saturated fats. The method of Cook specifically comprises feeding meat animals a conjugated linoleic acid, which is an unsaturated fat, and which counteracts the adverse effects of the increased unsaturated fat in the diet of meat animals and results in the production of meat of improved quality having a firmer fat. *Cook, Col. 1, ll. 45-50.* The method of Cook specifically teaches feeding a higher concentration of unsaturated fatty acid such as vegetable oil. The Examiner thus uses Cook for a single statement in its background. The entire teaching of its background is refuting this statement by providing unsaturated fatty acid. As the teachings of Cook go against the single statement, it is not possible to expand the teachings of Cook beyond that single statement. Accordingly, Cook cannot be used to teach the limitations reproduced above.

Evans

Evans is used to show a feed supplement having an iodine value between 5 and 35. Evans very specifically limits its teachings to iodine values between 5 and 35:

In addressing the aforesaid problems, applicant has determined that the diet should include highly (but not fully) saturated or hydrogenated animal or vegetable fat, which remains waxy at ambient temperatures. By experimentation, it has been found that when animals' diets are switched from highly unsaturated vegetable oils to prilled, or small granule, highly saturated (partially hydrogenated) tallow or vegetable oil with iodine values

between 5 and 35 during the latter portion of the growing-finishing cycle, the carcass firmness is improved and the quality of the resulting meat product is significantly higher.

Evans, Col. 2, ll. 17-28. While Evans gives different ranges within the range of between 5 and 35, Evans does not teach or suggest an iodine value above 35 and appears to teach against an iodine value of above 35, instead indicating that achieving lower iodine values is relatively expensive. Each of the independent claims recites an iodine value above about 35. Accordingly, Evans does not teach at least the iodine values recited by the independent claims.

Schaub

The Examiner explains that Schaub is used to show “only that prior art feed comprises grain (claim 16) and that tallow was also a known addition to animal feed (instant claims 8 and 20).” *Advisory Action, page 3.*

Schaub teaches fats fed to animals and, more particularly, fats from readily available sources such as lard, tallow, fish, oils, and the like. Further, Schaub specifically teaches hydrogenating fats to provide feeding fats in large quantities:

The purpose of the present invention is to offer the possibility of feeding fat in large quantities, i.e., in excess of about 5%, in a form which does not cause disorders of the digestive process even of ruminants, and which can nevertheless be completely resorbed.

Schaub, Col. 1, ll. 49-53 (emphasis ours). Accordingly, Schaub specifically teaches feeds having fat in excess of about 5%, Schaub can be interpreted as teaching against a daily feed ration comprising “about 0.5 to less than about 5 percent by weight hydrogenated poultry fat,” as recited by each of the independent claims.

Swine Diet Recommendations

The Examiner asserts that the Bulletin References, Swine Diet Recommendations and Practical Swine Feeding Ideas teaches that the fat content of a typical feed is in the range 3-5% and the maximum level of fat in a swine diet is 8%. Applicants respectfully assert that the combination of the Bulletin References with any reference disclosing feeds comprising hydrogenated fats is improper because, as a first matter, there is no reason, suggestion, or

motivation found in the these references, whereby a person of ordinary skill in the field of the invention would make the combination.

The Bulletin References generally disclose the incorporation of animal fat into pig feed. Importantly, neither of the Bulletin References teach incorporation of hydrogenated animal fat, particularly the percentage by weight of hydrogenated animal fat. There is no motivation in the art, nor does the Examiner cite such motivation, to combine references disclosing the use of fat in animal feed, generally, with those that disclose feeds incorporating hydrogenated fats. Indeed, Evans generally teaches away from the use of fat in pig feed. Evans discussed, teaches that "pork obtained from swine which have been subjected to a diet containing a supplement of unsaturated fats alone," has been found to suffer severely in quality. *Evans et al.*, Col. 1, ll. 50-65. Furthermore, Schaub discloses suitable animal feed rations with a hydrogenated animal fat content of up to about 25 % or more by weight. *Schaub*, Col. 4, ll. 17-18. Such a teaching directly contradicts the teachings of the Bulletin References, which disclose feeds should have a maximum animal fat content of 8%. Accordingly, a person of ordinary skill in the field of the invention would not have any reason, motivation, or suggestion to make such a combination.

Combination of References

Accordingly, none of the references -- Livingston, Johnston, Cook, Evans, Schaub, Swine Diet Recommendations, or Practical Swine Feeding Ideas -- alone or in combination, teach or suggest "feeding a daily feed ration to a pig, the daily ration comprising about 0.5 to less than about 5 percent by weight hydrogenated poultry fat greater than about 35," as recited by claim 1, "feeding the animal a daily feed ration comprising about 0.5 to less than about 5 percent by weight hydrogenated poultry fat, wherein the hydrogenated poultry fat has an iodine value of greater than about 35," as recited by claim 9, or "[a] feed ration comprising a grain and about 0.5 to less than about 5 percent by weight hydrogenated poultry fat, wherein the hydrogenated poultry fat has an iodine value of greater than about 35," as recited by claim 16. The Applicants thus respectfully submit that each of claims 1, 9, and 16 are allowable over the cited references.

Claims 2-8 and 21-23, which depend from Claim 1, incorporate all the limitations of Claim 1. Claims 10-15, which depend from Claim 9, incorporate all the limitations of Claim 9. Claims 17-20, which depend from Claim 16, incorporate all the limitations of Claim 16. The

Applicants respectfully submit that each of the dependent claims are allowable for the reasons discussed with respect to the independent claims.

Reconsideration and allowance of each of the pending claims is thus requested.

CONCLUSION

This application now stands in allowable form and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized to charge Deposit Account No. 04-1420 for the additional claim fees generated by this paper. In addition, this response is being submitted on or before April 16, 2007, with the required fee for a three-month extension of time of \$1020.00, making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment, to Deposit Account No. 04-1420.

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Respectfully submitted,

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